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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by the International Centre for Human Rights and Democratic Development (Rights & Democracy), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*/ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Situation in Colombia

1. Despite strong recommendations once again by the United Nations High Commissioner for Human Rights to the Colombian Government in March 2001, the human rights situation in the country continued to worsen. The Inter-American Human Rights Commission, in its December 2001 visit to the country, noted that the situation of paramilitary activity, problems caused by impunity, and increasing violations of International Humanitarian Law by insurgent forces, has gravely deteriorated in a spectacular way.

2. The degradation of the internal armed conflict and its effects on the civilian population; the increase in human rights violations, including civil and political rights, as well as economic, social and cultural rights; the continuation of direct and indirect aiding and abetting of paramilitary activities by members of the Armed Forces; the lack of protection of the basic rights of internally displaced people; and the implementation of a predominantly military response to drugs trafficking through Plan Colombia and the Andean Initiative; remain major concerns of Rights & Democracy at the beginning of 2002.

Degradation of the Internal Conflict

3. Despite positive efforts by the Pastrana Government to continue in its dialogue with the major insurgent organisations, the Armed Revolutionary Forces of Colombia (FARC) and the National Liberation Army (ELN), with the goal of reaching a negotiated political settlement to the internal armed conflict, the setbacks have been many.

i) The immediate uncertainty regarding the continuation of dialogue with the FARC and of the demilitarised zone in Caguan, pending the insurgents' demands for evident and effective State control over the growth and presence of the paramilitary United Self Defence Groups of Colombia (AUC), once again threatens the possibility of full suspension of the peace talks and further escalation of the conflict.

ii) After several months of silence, talks with the ELN moved forward positively in the last six weeks of 2001. Despite encouraging signs of /willingness to compromise on both sides, sabotage by the AUC and by paramilitary-backed civilian organizations continues to thwart the implementation of the National Convention, proposed by the ELN as a process to facilitate the participation of all sectors of society in discussing the content of an eventual Peace Accord and the construction of a participatory democracy. To date the government has not indicated how it will resolve this impasse.

4. Meanwhile, the armed conflict raged on during 2001, escalating levels of human degradation and intolerable suffering within the unarmed civilian population. The paramilitaries continued to perpetrate an increasing number of massacres, threats, assassination, displacement, and forced disappearances of civilians, including human rights workers, trade unionists, indigenous, academics, journalists, and community workers. In many instances they were assisted directly or indirectly by members of the Armed Forces. A rate of almost 100% impunity meant few were prosecuted for gross human rights violations.

5. Insurgent groups stepped up kidnappings and threats of extortion, selective assassinations of civilians, the use of military tactics violating international humanitarian law (gas canisters packed with gunpowder and shrapnel), and the destruction of infrastructure (hydro-electric towers, oil pipelines).

The forced recruitment of minors by both the guerrillas and the United Self-Defence Forces of Colombia (AUC) is of grave concern.

6. To date, the Colombian State has been ineffective in preventing attacks from all parties in the armed conflict and in protecting threatened civilians. Detailed reports of imminent paramilitary attacks on civilians have consistently been provided to the appropriate authorities but subsequent preventive action was seldom taken. Massive unarmed civilian responses during the last weeks of 2001 to the threat of armed action by the guerrillas, especially in indigenous communities, have not received adequate protection from the Government.

Deterioration of the Human Rights Situation

7. According to recent reports, the number of victims of political violence and deaths in combat rose to almost 20 a day. The paramilitary, especially the AUC, are deemed responsible for 78% of human rights violations.

8. While the Colombian State has made efforts to apprehend and prosecute members of the paramilitary and members of the Armed Forces accused of collusion with them, a much more decisive response is required if a peace process guaranteeing basic human rights is to move forward. In the meantime, membership of the AUC is increasing, as the latter imposes its *modus operandi* as a new way of participation in the political process.

9. The targeted assassination, forced disappearances of and threats to human rights workers continued to affect the capacity of civil society to defend basic human rights. Indigenous leaders, particularly, have been the targets of all of the armed actors, despite the assertions of the former of neutrality and autonomy. Journalists, Afro-Colombians, academics, and community leaders have been increasingly targeted. More than 150 trade unionists were assassinated and many forcibly displaced after receiving death threats during 2001, according to reports by the ILO.

10. The UN Special Rapporteur for Violence Against Women, during a recent visit to the country, noted with alarm the persistent and extended use of sexual violence against women as a weapon in the internal armed conflict. As the majority of the internally displaced population, women bear the responsibility for the survival of their families in conditions of great insecurity. Those who choose to organize are also subject to selective assassinations, to kidnapping and threats.

11. Colombia is the kidnapping capital of the world. This practice, used increasingly by the guerrillas to finance their activities and by criminal gangs, causes further degradation of the conflict and untold suffering not only to victims but also to family and community members.

12. The issue of impunity in relation to Armed Forces personnel remained a serious concern, despite the new Military Code. Military judges frequently continued to ignore a Constitutional Court decision requiring that cases involving Armed Forces personnel associated with gross human rights violations be tried in civilian courts.

Internal Displacement1

13. During 2001, an increasing number of unarmed civilians, mainly women and children, were internally displaced. Many are "hidden from view" in the slums of large urban centres, other are barely surviving in makeshift refugee camps in Colombia. Displaced persons who have returned to their place of origin or to other parts of the countryside, under government-sponsored programs, continue to be threatened and many forced to leave once again. The right of "peace communities" to live autonomously, as neutral parties vis-à-vis the armed actors in the conflict has not been respected.

14. Without appropriate documentation, the civil and political rights of displaced persons are frequently ignored, a situation that particularly affects women. State resources for shelter and sustenance have not provided even minimally for basic needs, and Law 387 of 1997, which prescribed a comprehensive assistance program for displaced people, has not been implemented.

15.During 2001, the number of Colombian men, women, and children forced to cross borders to Panama and Ecuador, in particular, increased significantly, as the Colombian conflict took on increasingly regional dimensions, in the wake of the implementation of Plan Colombia.

Drugs Trafficking and the "Andean Initiative"

15. The intensity of Colombia's conflict is further exacerbated and polarised by the infusion of military assistance from the US government, ostensibly to curtail drugs trafficking. Aerial fumigation of coca and poppy crops, as a major component of US strategy, substantially increased internal displacement, refugee flows to neighbouring

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1 Forced displacement or forcible displacement, sounds strange in English – forced or forcible more often being used with disappearance. I suggest 'involuntary internal displacement'.

countries, intensified levels of combat, and regionalization of the conflict during 2001. Although the US Congress originally made its "drug war" military aid dependent upon improvements in human rights protection, this has not happened, and an additional military package under the rubric of the Andean Initiative further fuelled the level of military activity in Colombia, reducing the possibility for successful peace negotiations.

Economic, Cultural, and Social Rights

16. The UN Committee on Economic, Social and Cultural Rights, in its study of the report of the Colombian government expressed its concerns regarding rising poverty and increasing unemployment, as well as the lack of access to social security for 43% of the population. Health, housing and education conditions are dramatically deteriorating, due to the reduction of governmental subsidies to these basic services, deepening the level of poverty.

Indigenous rights

17. Indigenous peoples have seen their lands occupied or greatly reduced, without their agreement, by mining, timber and petroleum companies. Their resistance has brought kidnappings, assassinations, expulsion from their homes and communities. Leaders have been targeted, accelerating the pace of the gradual extinction faced by four indigenous peoples.

RECOMMENDATIONS

1. Rights & Democracy urges the Commission to assist and pressure the Colombian government to combat paramilitarism effectively and to dismantle it completely, and to prosecute those who lead, organize and finance it, including public servants, and especially members of Colombia's Armed Forces.

2. The Commission should likewise support the Colombian Government's attempts to punish those responsible for violation of international humanitarian law.

3. The Commission is called upon to effectively support concrete efforts by the Colombian government to strengthen and broaden the search for a negotiated political settlement to the internal armed conflict; to urge the government and insurgent groups to reach a verifiable agreement to respect human rights and international humanitarian law; and to respond to the efforts of Colombian society in general to strengthen movements for lasting peace with justice.

4. The Commission should reaffirm the importance of the United Nations Office in Colombia of the High Commissioner for Human Rights; the Colombian government must be assisted and encouraged to implement recommendations from the High Commissioner's Reports, as well as those of Special Rapporteurs, members of the Inter-American Human Rights Commission who visited the country during 2001, as

well as the recommendations of the UN Committee on Economic, Social and Cultural Rights of November 2001.

5. The Commission should ensure that the Colombian government designs and implements a comprehensive and gender-sensitive plan to respond to the basic rights of displaced people.

6. The Commission should use its good offices to pressure the United States government to effectively condition military assistance to Colombia to ensure its aid does not benefit military units that commit abuses, either directly, or by aiding and abetting the paramilitary. The human rights conditions attached to the aid package must be strictly adhered to, periodically evaluated for compliance by Colombian authorities, who should make public their observations.

7. The Commission is called upon to support political rather than military responses to the problem of drugs trafficking in Colombia. The exclusive use of force to reduce the production and trafficking of illicit drugs has proven illusory. The implementation of political and social transformations providing viable alternatives, including manual eradication as proposed by indigenous groups and peasant communities, genuine agrarian reform, is essential in reducing rural acreage dedicated to illicit drug production.